

Towards Gender Equality at the Work Place — Women's Work Opportunities versus Life Style Preferences

— Changes in Selected Japanese Legislation during
the Last Quarter of the 20th Century

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The years 1986–1999 are when legislations aiming for equality between men and women, both in the social, or private sphere, and in the work, or public sphere, were implemented and evolved from first being focused on women, to a more genderless approach focusing on both genders. Despite the fact that more women were able to enter the job market, and although more women were able to pursue a professional career, the group of women able to combine career and family never really stood a chance. Women don't have the choice to choose, but are made to choose between a career or a family. They have to give up one or the other. We will see that next to legislation, there is a need for social change before the law can have a bigger impact on women's possible life choices.

Methodology

When analyzing legislation changes and the following changes in the employment situation of women, I refer to Hakim's preference theory. Even though Hakim's theory seems to be applicable to very few countries — countries where women are given free choice/opportunity to choose any kind of life path, her theory has some points that can be applied even to countries which do not fit into that description. According to Hakim, women's work-lifestyle preferences can be divided into three groups. One is the home-centered one (about 20 percent in UK), whose main priorities throughout life are family life and children. They prefer not to work. The second one is the adaptive kind of women (around 60 percent) who put importance on both family and work and enjoy both sides of life. Women in this group want to work but are not totally committed to their career. The adaptive kind of women is the biggest group according to Hakim. The third group is the work-centered women (about 20 percent), often childless women or women with one child. They are very committed to work (Hakim 2006).

In the first part, I analyze how the original legislation is formed, and how it relates to women, employment and gender equality. I take into account which group of women is targeted, or is which

group is able to develop as the legislation evolves. Through the medium of legal studies and historical studies I look at the discussions that took place around the formation of the specific legislation. In the second part, I look how the actual employment situation has changed, and how women can engage in having a professional career, how professional women view themselves or how others perceive them. I use official statistics, newspaper articles, and interviews written down either in historical studies or newspaper articles, and a report by the “A Letter from Japanese Women” Circle.

The new legislations — towards the equality between genders

The Equal Employment Opportunity Law

The Equal Employment Opportunity Law (later called in this paper EEOL) marks a big change in women’s path toward equality. Women were to become equal, in employment, with men. Whether or how this equality should be reached caused a lot of discussions. Some opposed the equality strongly as a completely foreign idea, pushed on Japanese people by foreign countries¹.

One of the conflicting opinions was whether women should keep the protections they fought for in the Labour Standards Law, that prohibited women from doing over-hours and night work, or whether women should be made equal with men by removing these protections². The tourism industry was for lifting the protections, because the protections limited professional capabilities of female workers, and placed them in a worse position if compared to other countries (Nozawa 1995). However, some restrictions concerning women and work were still kept in place³. Yet, Hanami argues that the protections that were kept were what led to the two-track system that kept women on the low-pay and no-career track (Hanami 2000).

However, even though it is true that the two-track system became to be used more often at the time of and after the implementation of EEOL, Osako, in her paper from 1978, mentions that the same kind of system was already being used for the employment of women (Osako 1978). The EEOL prevented companies from segregating the male work track from the female work track, as it was done before the law was implemented, but it allowed companies to differentiate between the career track, *sougoushoku*, and the non-career, *ippanshoku* track (Creighton 1996). Women were sent into the non-career track — more flexibility in free time, less responsibilities, lower pay and an early retirement age. Men would join the career track — long working hours, transfers and devotion to one’s company, but better pay with yearly increases, and promotion possibilities (Charlebois 2013). As a result, companies were not required to treat all their employees equally, independently of gender, but they just needed to treat employees equally on the same track (Creighton 1996). The two-track job system started to be used by more companies, especially large ones, such as banks, security and insurance firms (“A Letter from Japanese Women” Circle 1994). The Foundation for

Women's Work surveyed 148 large firms in 1987 and found that 40 of the surveyed firms used the separate tracks system. 60 percent of these started using the system already before 1986 or 1987 (Edwards 1994).

According to the EEOL from 1986, employers “shall endeavour to give women equal opportunity with men”, meaning employers must take voluntary actions not to discriminate in recruiting, hiring, assignments, or promotion (The Equal Employment Opportunity Law 1994). The main critique against the EEOL was that it only suggested that employers should try to do something to reach the equality, and doesn't punish employers for failing in ensuring the equality (Hanami 2000) (Starich 2007) (“A Letter from Japanese Women” Circle 1994). This lack of punishment is due to the fact that management and public representatives of the advisory council to Labour Ministry were against it. Companies wouldn't like to let go of their cheap labour force — as women represented in 1984, 39 percent of the labour, at only half as much pay as men (Lohr 1984). However, not only the fact that employers are only obliged to make efforts to treat both sexes equally is the reason of the continued inequality in employment. The EEOL language's focus on women (Starich 2007) is placing women in a special spotlight. Men can be treated unequally, when compared to women. If one side, men, are not equal to women, the other side, women, cannot be equal to men. Men are perceived as the ‘standard’ example to follow, and men, among men, are equal⁴⁾. Because men are already equal there is no mention of the possibility of men being treated unequal in the EEOL from 1986. Women, to become equal, have to become the same as their male colleagues; they have to become “socially-male”.

Even though the EEOL was supposed to bring equality into the work sphere, the main reason for the Japanese government to implement the EEOL, rather than initiating an actual shift in social values regarding women's roles, was that eliminating the discrimination in the workplace was needed for the ratification of the International Convention on Elimination of All Forms of Discrimination against Women (Creighton 1996) (Kawashima 1995). On the surface it looked like the EEOL eliminated some discrimination in the work place. However even with this new law, the social values regarding women's role stayed unchanged and women often felt powerless in their demands for better treatment and more career opportunities. Taga in her letter to *The New York Times* called the law “a good symbolic gesture”, that “doesn't get to the heart of the problem” of discrimination against women. Middle-aged women are ridiculed when they keep working, because it means nobody wanted them as a bride. Young women, wearing a kimono when quitting on their last day of work, are praised for their charm. Men's attitudes towards working women have to change before the law can have effect (Taga 1984). Women are not Christmas cakes that are out of date if they are not married and didn't quit their job before being 25 years old (Pekol 1990).

Even though removing some of the protections meant women's working conditions became similar to men's, in practice it meant that the government's definition of equality was that women

have to work as hard as men and give up their legal protections (Miyake 1991). This sounds very reasonable, but as long as women are not equal to men outside the workplace, and have to bear the burden of house chores and child-care alone, it is very difficult for them to compete with men in the labour force (Hanami 2000). As early as 1981 at the International Labour Conference it was stated that the gender role division of men working outside and women staying at home was the core of gender discrimination in Japan and that household responsibilities needed to be shared equally among men and women and within society. However, the EEOL did nothing to touch this problem (Honda 1985). This law affected women workers, dividing them into two kinds of groups: those who agreed or were able to work the same long hours as men, and thus were able to enjoy well paid jobs and had opportunities to be promoted and find their professional fulfilment inside a company, and those who couldn't work as many hours due to their household responsibilities (Miyake 1991). The second one is also the group that was at the bottom of the job hierarchy⁵⁾. The result is that two kinds of women started to exist, a very small group of women who agreed and had the opportunity to advance to a career, and the bigger group of women who kept on working according to the old rules of quitting when getting older (Miyake 1991). There was no third group, the one Hakim mentions as the biggest group, who combines both family and career. Instead, there was a group of women who could work, but not on the professional level, and had to find their fulfilment at other places than work.

The childcare leave act, 1992

Women are in a worse position than men when seeking employment, and once employed they find it more difficult to get promoted. That is because of the gendered view that the woman is the one who has to take care of the house and her potential future husband and children⁶⁾. That means that a woman cannot spend as much time at her work place as her male counterpart. If women don't want to be placed in front of the choice of either choosing a career or having a family, the bias associated with women has to change. If men and women could take childcare leave equally, both men and women might seem equally valuable to the employer.

The childcare leave act from 1992⁷⁾ was the first attempt to make men and women equal on a social level. Before passing the childcare leave act, childcare leave was seen as something only women have to take and men could not take such a leave. Before passing this law, the Ministry of Labour surveyed different countries' childcare systems, and reported that leaves for fathers are not suitable for Japanese society, saying "Japanese society is not ready to have the Ministry of Labour promote such leaves for male workers, especially because of men's inexperience concerning such matters" (quoted in Creighton 1996, 200). If childcare responsibilities could be shared, this constraint would affect men and women equally, and thus not be seen as a deciding factor whether a man or a

woman should be chosen for a certain job.

However, even before 1992, one company already allowed a one year long child care leave for fathers, and during those 10 years it was never used once (Creighton 1996). The ministry might have been right saying that Japanese men are not ready for child care leave, because even when such a leave became possible, it wasn't used much⁸⁾. In February 1992, a father who decided to support his wife and took child care leave before the actual law became effective, felt outcasted in his immediate environment. Neither his co-workers understood that he is not going on a long vacation, nor did he felt accepted by other parents of young children — obviously all mothers — at public places like parks. He became a “panda” kind of attraction for Japanese media, because it was so unusual for a man to take part in child rearing (Ota 1999).

From a gender equal point of view the childcare leave from 1992 was quite revolutionary. Both men and women were allowed to take it, in the same way. However, even though the law was directed at both genders, it was used in a gendered way. To make it possible for fathers to take childcare leave, the idea of a seniority employment system which did not allow for taking breaks (Dasgupta 2012), and the idea of only women bearing the responsibilities of child rearing must change. For women to be able to enter the category of being a professional while having a family, social prejudices, and companies' attitudes concerning things such as childcare or working hours need to be altered.

A Vision of Gender Equality: Creation of New Values for the Twenty-first Century

“A Vision of Gender Equality: Creation of New Values for the Twenty-first Century” submitted by the Council for Gender Equality to the then prime minister Hashimoto Ryutaro in 1996, calls for the need for social change. The Vision marks an important change in the thinking concerning women in Japanese society. The Vision presents different possibilities so that both men and women can engage in both private and public spheres as they wish to. From a prejudice kind of perspective women are confined to the private sphere and men to the public one. The Vision sought solutions for these kinds of prejudices.

One of the suggestions is remuneration of housework. If work in the domestic realm was being paid for, it would gain value, and males would be more eager to engage in housework. However, there is no suggestion on how to approach this kind of solution, as such research still needs to be done. The proposal sounds very interesting, but it refers only to “evaluating the value of unpaid work in terms of money”. It is questionable if just “evaluating” would have any impact on how society perceives it. As long as no money is received for the work that is done, unpaid and paid work will still be seen as two separate things and the unpaid work will not be perceived on the same level as the paid one, lowering its importance.

The problem of childcare and family meets the question of how the society should share the

burden, and to whom the work belongs or how the cost should be met (A Vision of Gender Equality — Creation of New Values for the Twenty-first Century — 1996). With *society* here it means that it is not the government that provides public services, but that society has to bear the burden of care. However, costs are also mentioned, so financial aid is also a possibility⁹⁾. With financial aid and services available for child and elderly care women's burden of the household responsibilities would be lessened down and they would also be able to choose to engage in vocational activities.

Establishing gender equality in the workplace, family, and community is being discussed as well. Both men and women need to have the right to choose a job and make a living. However, many women engage themselves in part-time jobs, as, according to the report, it is more compatible with home making and because there are few full time jobs available for women. A new working style is needed, with “a working environment where various working styles may be chosen in order for one to perform to the best of his/her ability”. Women should not be confined to low-paid, unstable jobs. Both men and women should be able to reconcile paid work with family and community activities (A Vision of Gender Equality — Creation of New Values for the Twenty-first Century — 1996).

Even though the report suggests that women engage themselves in part-time jobs to be able to manage both housework and paid work, part-time work does not seem to make it much easier in terms of work responsibilities. Part-timers often have to work as much as full-timers, just in fewer hours, so the workload is much more compressed resulting in much more stress on the part-timer (Higgins, Duxbury and Johnson 2000). Thus, it is more probable that women choose part-time work because there is no other option to choose from, or because shorter working hours seem to look attractive and compatible with family responsibilities¹⁰⁾. As for practical measures, it is suggested that personnel management in corporations will focus on individual ability and allow women develop their abilities. Seminars for managers are needed so they change their notions about women and will become more willing to appoint women in managerial positions.

Working hours are also mentioned. To be able to engage in other activities than working outside, actual working hours should be shortened. The Vision states that existing prejudices and customs, that place women at home and make men work many hours, have to change, if equality has to be achieved. Corporations should support family and community, by changing the job-centred values of male workers and introducing long vacations¹¹⁾.

The Vision marks a change in the thinking of political organs concerning women's work situation. Women need to be able to engage in work, and not only as part-timers and temporary workers, even though the Vision mentions that temporary workers should be seen as valuable workers to Japanese economy. The reason for this change in thinking might be the economic needs of Japan¹²⁾, but the existing prejudices that place women in a bad position when aiming for a professional career could be changed that way. Remuneration of housework is not an immediate possible solution, but if

personnel management in corporations could recognize women's talents and allow them to develop their skills and engage in the workforce on the same level as men, and at the same time lowering the working hours, women also could combine having a family and a professional career. The Vision tries to suggest solutions for the problems that hinder women from having both a professional career and family, so that Hakim's group of adaptive women can come to existence. Interestingly, it mentions that various new working styles might be needed to fit these new working women with their family responsibilities. The Vision's goal is for women to combine family and work, but if the environment doesn't support this idea, women might choose for other kinds of lifestyles.

The revision of the EEOL, 1999

In 1997 the revision to the EEOL took place that became effective in 1999. Social values were clearly changing, as by 1997 the dual income households exceeded the single ones (Yuzawa and Miyamoto 2008), and the EEOL was not recognizing women's talents. With this new version employers had to give equal treatment during the recruitment and hiring process, not just "endeavour" to do so anymore, and not discriminate in assignment, promotion, and training of workers¹³). The revision prohibited employers from terminating employment for getting married, becoming pregnant, giving birth, or for taking maternity leave¹⁴). In case of conflict, the employee could now apply for mediation with the Equal Opportunity Mediation Commission without the consent of the employer (Starich 2007). However, the final settlement still depended on both parties' consent (Hanami 2000). The employer could refuse to follow the guidelines. If the employer failed to follow the agency's advice, the Ministry of Health, Labour and Welfare would give the employer's name to the media (Starich 2007). This time the measures were carried out not only by advice, suggestion or consultation, but were also officially endorsed, in the way the West approaches enforcing the law (Hanami 2000). New provisions were added stating that employers have an obligation to care to prevent sexual harassment¹⁵) and take positive actions to promote equal opportunity between men and women at the workplace (Asia-Pacific Human Rights Information Center 2006).

However, the revised version still mentions women as a gender that needs special treatment. Through the use of women focused language, the law focuses on protecting women and not on solving the discrimination problem. At the same time as the revision to the EEOL, gender specific protections concerning working hours and overtime were removed from the Labour Standards Law (Rawstron 2009), but they were to be valid for another three years (Hanami 2000). On the one hand there were those who claim that special protections for women send women to other kinds of jobs than men, like the temporary jobs (Hanami 2000) that replaced the dual track personnel system since 1998 (Weathers, interview 10 September 2004)¹⁶). On the other hand there were discussions in the newspapers that women are "equalized down" with men, and that men should be equalised up with

women. In comparison with the time of the first implementation, there was more discussion about the need for social change that needs to take place before the equality at the work place can happen (Rawstron 2009).

Problems such as the difference in wage and work status between genders or a hostile environment against women who become pregnant and wish to take a leave still needed a solution (Starich 2007). Many women who took leave frequently faced disadvantageous treatment. Official statistics show that most eligible women took childcare leave, but approximately two-thirds of women workers quit work when they became pregnant, resulting in only women who decide to stay at work to take childcare leave. Pregnant women often decide to quit rather than take childcare leave because they prefer not to force extra work on co-workers during their leave. This is because the load of extra work is most often handed down to female and not male employees (Weathers 2005). That is not the choice they would like to make, but, according to *Nihon Keizai Shinbun*, the result of the possibility of resentment coming from one's working group for one's absence and for causing unbalance in the work load (quoted in Weathers 2005). The choice they made in their private life makes them take certain actions at the workplace (Starich 2007). The roles at these two places are conflicting, and to escape that problem women are made to quit. They cannot just choose any lifestyle, or act according to one's preferences as Hakim was talking about.

This revision of the EEOL still focuses on women, and because of that it still cannot reach the goal of gender equality for both men and women. This law's one-sidedness originates in the fact that society itself is not equal yet. For women to be able to make a choice concerning their work, legal, corporate and social practices need to change in the direction of a gender equal society.

The Basic Law for a Gender Equal Society, 1999

The Basic Law for a Gender Equal Society enacted 1999 tries a genderless approach to make society more equal. This law represents a shift from women-centred policies to an approach that takes both sexes into account. The goal of the law is to build a society where every citizen is able to fully exercise his or her individuality and abilities regardless of gender. It aims to make it possible for both men and women to live diverse lifestyles and to be able to realise it in every aspect of social life (Holdgruen 2011). Opportunities need to be given to both men and women, regardless of gender (Basic Act for Gender-Equal Society (Act No. 78 of 1999) (Tentative Translation in English)).

The law acknowledges that due to the stereotyped division of roles according to gender, people cannot choose social activities they would like to engage in as they wish. These gender-based stereotypes should have as little influence as possible when people decide on how they want to be active within a society (Basic Act for Gender-Equal Society (Act No. 78 of 1999) (Tentative Translation in English)) (Article 4). However, changing social customs is a very difficult thing to realise for the

government. It is difficult to make people stop behaving in a certain way that they have always acted in. If a government would suddenly try to change the customs people are accustomed to, it would make the government look authoritarian and destroy the idea of democracy (Osawa 2005).

The law agrees that men and women need to cooperate in activities related to household responsibilities, so that they will be able to engage in other activities as well (Article 6). The same should be done in the case of child raising and taking care of other family members. Even though it is not clearly stated, it obviously means women who due to sharing of household responsibilities become able to participate in activities within a society.

The new law acknowledges the stereotyped division of gender roles, but it doesn't say anything on how to solve the problem. A gender equal society is assumed to emerge naturally, as the result of events, lectures and slogans¹⁷⁾, but in fact it needs time to happen and it is uncertain in what way it would eventually realise itself. There are no directions as how this gender equal society should be achieved, no mention of any mandatory regulatory instruments and compulsory targets that could ensure any progress (Holdgruen 2011). However, the government has an obligation to formulate and implement policies to promote the formation of a gender-equal society under the form of the Basic Plan for Gender Equality, and local governments have similar responsibilities to formulate and implement policies based on national measures and policies corresponding to the characteristics of their respective region (Osawa and Mokate 2004). The law approaches the gender equality problem in more realistic terms and states the problem should be kept to minimum instead of disappearing, in a way so that both genders have the possibility to choose to involve themselves in the kind of activities they can make themselves most useful and where they can fulfil themselves. If indeed stereotypes were to change and housework was to be shared as suggested, women would have more possibilities of working professionally while having a family.

Women's voices

The 80's and the new opportunities

The EEOL was supposed to bring gender equality into the workforce, but in reality how did women themselves perceive their role at their work? In 1984, at the time of the discussions on how equality should be achieved through the EEOL, Akamatsu Ryoko, director general of the Labour Ministry's Women's and Young Workers' Bureau said that women's consciousness, that prefers separate roles for men and women, cannot be changed by law alone (Lohr 1984). Creighton analysed women working in department stores in Japan after the implementation of the EEOL. Most of her field research was done in the years from 1985 to 1987, when the EEOL was being passed and implemented. She examined feelings, values and goals of women working at department stores. According

to the results of her research, women who were working at managerial positions and had become professionals, were almost all the time unmarried women (either never married or divorced). They had become “socially male” and crossed the category of wife and mother to another one, the career person. The problem arises if they were to combine both categories. Many young women felt afraid of entering the career track — not because they thought they would fail, but because they thought they would never marry. The career women she interviewed were confused themselves — they are enthusiastic about their jobs, but they also dreamt of having a family one day (Creighton 1996). They experienced a role conflict, as these two roles, one of working women, the socially male image as Creighton calls it, and the mother and wife image, the socially female image were fighting each other. In reality, when getting married, they were forced to choose only one role, either the one of career woman, or the one of wife and mother.

The way junior-ranking women employees saw their senior-ranking colleagues who were in managerial positions was different from the way men perceived their colleagues. Young females who entered the working force of the department stores saw their superiors not as a model role but as confirmation of the conflicting roles between career and marriage. What these young women noticed mostly was not the fact that their colleagues had become managers, but that they had not become mothers and wives. When asked what they thought of their seniors, they often referred to seniors as pitiful, instead of being an example to be inspiring for them. The hard way of working they had to follow to achieve success, described as “think like a man, act like a lady, and work like a dog” (Creighton 1996) was not inspiring for young employees. The single status of the female managers confirmed young women’s belief that success in career conflicts with marriage. On the other hand, women who climbed the career ladder tended to be quite happy with their life and had little self-pity (Creighton 1996). The small group of career women was satisfied with their life, but they could not become a role model for their juniors.

Eight years before the EEOL was enacted, Osako in her research states that what discourages women from pursuing an individual career is the importance placed on the role of motherhood. The other point she picks up is the same point Creighton talks about, the seniority problem. It seems the trouble of investing into the long-term relationship and loyalty that is needed in senior-junior relationship is not worth it. The career would be interrupted by potential pregnancy, and that would bring shame on the senior, for not picking a junior that would be loyal to the company. The break in career would also mean that the junior has to start over once she comes back. Socialising in the hours after work is also not very compatible with family responsibilities. All that requires too much emotional stress and women do not see it as a worthy enough investment (Osako 1978). At 1983 Tokyo Symposium on Women, the condition that one has to continue working in order to become a manager is also mentioned as the main obstacle on women’s path to career, especially for married women with

children (Hirano, et al. 1990). Taking on a role of a wife and mother, and not of a career woman, seems a better choice. That kind of thinking continues into the time of the first EEOL, when Creighton did her research.

The EEOL made for some women a career an option, only if they agreed to work as hard as men did. This meant that in reality, the EEOL discouraged women's full-time employment, because it neglected the house chores problem and related to it the sexual division of labour that places the responsibility of housework on women. It failed to force employers to improve working conditions that were originally arranged for men who had no household responsibilities on them (Miyake 1991). Already by 1985, 59.5 percent of the employed women were married. The so called "traditional" gender roles of women doing housework and men working outside resulted in the double burden for women who worked outside and inside home (Ueno 1998). This fact, according to research done among university students in 1989¹⁸⁾, made children of working mothers feel sympathy for them, and made sons reflect on the role their future daughters or wife should take. However, even though most children did not want their mothers to just stay at home and be full-time housewives, daughters did not see their mothers as a role model. The father could be perceived as such, but not the mother (Yoshida 1990). This resembles a lot the situation Creighton described, when young employees did not see their seniors as a role model.

As it is with everything, not everyone shared such negative views on working as a professional woman. In 1986, Saito Kiyomi¹⁹⁾, at the time of the interview 35 years old, and a bond sales manager at American securities company Morgan Stanley International, speaks positively on women's opportunities within the finance industry. She already published a book, "*Women's departure*", where she encouraged young women to go into business and be successful. Even though in her daily business meetings with men she has to behave modestly as it is expected of a woman, in order not to offend the male partners, and so it takes three meetings before they are able to talk about business, she still thinks companies are open to recruit smart and capable women, and with enough luck, women also have a chance to advance in the business world. With the new EEOL, companies will have to rethink more about women's careers, and even though women's opportunities will still be limited, there will be more of them. As for balancing life and career responsibilities, she expects more sacrifices of men, who will allow their wives to transfer for example, and from grandparents to help in raising children. She thinks men are ready to accept women in business, even though that might take some time, but she points out that young women also need to be ready to enter the business world. From her standpoint the situation is already changing. Before, men would never speak to her about female coworkers in the office, but now they ask her to come and give some encouragement to capable and bright women working there. Men are aware that women are capable and she finds it a very positive change (Goodman 1986). Even though it might make her look old, she is not afraid of becoming a role model

for young women. She sounds very satisfied in her choice of becoming a professional, and she has found her own ways of working in a male dominated industry. But the fact that she alone is successful doesn't mean she is satisfied with the male-dominant system. In 1985 Japan's unemployment rate was only 2 percent. That is because women were not included in the numbers. The system of not seeing women as people gets her mad (Tanabe 1985). Yet she decided to enter this business world where "women are not people". She encourages young women to join the work force on the professional level, because only by actually making women's power visible the change towards equality can happen.

Yet another positive change after the EEOL came into effect is that actually more women entered the work force and became professionals. The EEOL became the incentive for women to invest in their education and to use it later on, on a professional level. More women attended social sciences and engineering courses in four-year colleges and universities, the number increased from 18 percent in 1980 to 25 percent in 1990. Women participation in paid labour, those who graduated from four-year colleges and universities, also increased by 8 percent in the years 1985-90, if compared to the previous five years (men's increased as well, by 2 percent) (Edwards 1994). In some industries, like tourism, lifting the restrictions on overtime and night work had a positive effect. Going on longer flights as a flight attendant or working night shifts in hotels became possible for women. Travel agencies and airlines were ranked among top 10 desirable companies to work for, in a survey among female students in 1993. The tourism related industry was also seen as women-friendly (Nozawa 1995).

"A Letter from Japanese Women" Circle

Six years after the EEOL became effective, a counter-report by the "A Letter from Japanese Women" Circle to the Japanese Government's Second Periodic Report as a State Party to the Convention on the Elimination of All Forms of Discrimination against Women (9 July 1992) was written. The main reason behind its publication was to show how unfair the employment situation of women still was, despite the positive results published in the Japanese Government's Second Periodic Report.

According to the counter-report, one of the main reasons for the inequality between men and women was the system of separate employment tracks²⁰. Even when married women applied to the Osaka Women's and Young Workers' Office for mediation, because married women were being kept from promotion but married men were not, the answer was that since there were no men in the clerical track to compare to, it was not judged as sex discrimination. Even though the law has changed, the opportunities to develop were not given to women. The two-track system was to keep the workplace gendered, the same way as before the implementation of the EEOL. If men and women

were on a different track, they may be treated differently without violation of the law (“A Letter from Japanese Women” Circle 1994). The two-track system kept women in the category of housewife, and most of them were not allowed to enter the career category. The law kept women in the home-centred category, and did not make it possible for women to move into the adaptive category, the biggest category of women Hakim is referring to.

The biggest difference between these two tracks was whether a new employee agreed to accept the possible transfers or not. It was a form of indirect discrimination of women, because transfers were difficult to accept for the ones who bear the main responsibilities of taking care of family matters (“A Letter from Japanese Women” Circle 1994). With family’s cooperation and help from grandparents such transfer might work out for some, as in the case of a 34 years old civil servant, but still, the article’s title suggests that a transfer caused a family break-up (Professional Women; Civil Servant’s Transfer Results In Family Breakup 1990).

Also, to be able to advance and be promoted, often something called self-development was necessary. Self-development was to be done in the employee’s free time, after work hours. (“A Letter from Japanese Women” Circle 1994). The chances to develop were determined whether a person was bound down by any other responsibilities than work. The bias that women do have such responsibilities, and men don’t, determined woman’s chances on a professional career in a negative way. Employees were judged by their “positiveness” to the work. Workers’ personality and attitudes were evaluated, and less their qualifications or how professional they did their job (“A Letter from Japanese Women” Circle 1994). Gender based bias such as little desire for promotion, or the fact that women are more interested in human relations than in work were still seen as essential female traits and hindered women’s possibility to advance in career (Kawashima 1999). Women were considered to be different from men, and were given different opportunities, the ones that “fit” their qualities (“A Letter from Japanese Women” Circle 1994).

The EEOL made the two-track system possible by not forbidding indirect discrimination, replacing the old gendered employment system with a new, also gendered one. Officially women were given opportunity²¹, but reality was most of the time different. Not only did women often had no choice in deciding whether to enter the career track or non-career track, but also often the career track was unavailable to them. Through extra examinations and interviews the choice was sometimes possible, surely not equal conditions compared to men. However, the only choice for women was between either career or no-career. Career meant no family for women in managerial positions in Creighton’s research (with the exception of a women brought up abroad or women married to a foreigner). The biggest group of women according to Hakim are women who tend to combine both, career and family, but in case of Japan, even after the EEOL was implemented, this group was not able to come into existence. If the choice was left to women, it was either to join the male group and take

on the role of a man, or to join the female group, without prospects for self-development and a career within a company.

The 90's and the new lifestyles of working women

The Basic Law for a Gender Equal Society from 1999 aiming for the gender equality in society tries to form its ideas in a genderless approach, but the revision of the EEOL aims for equality by focussing on women. Whether the reason behind women's inequality at the work sphere lies within the existing prejudices or within the legal focus on protecting women, women try to overcome the difficulties and realise themselves in ways they find appealing and possible. Miller conducted her research at the time of the revision of the EEOL. She speaks of a "quiet revolution", referring to women that work around the law to find their way of life. Women are not satisfied with being housewives and having to quit upon childbirth and marriage, or by being excluded from the core workforce and working as temporary employees so that men's jobs stay secure and the low cost welfare system becomes possible. Women turn away from working as a full time employee, and work in other ways, while engaging in activities they want to. They work either as temporary workers, or keep living with their parents, and spend their free time leisurely. If they are not given enough responsibilities and opportunities to develop, they turn their attention to other activities. Or they gain new skills that allow them to enter and exit the labour market at their will, without having to re-enter a low-level pay job as a part-time worker. Yet other women decide on entering a foreign company that is more welcome to female workers (Miller 2003). Most of Miller's models refer to female lifestyles that are easy to follow while being young and single. But what about professionals in their 30's? Some professionals who want to marry and keep their career decide on a long-distance marriage. Some unmarried professionals meet with opinions of such as not being mature enough if not married. A 37-years old Japanese language teacher says that how people perceived her changed drastically once she got the paper that she was married. The good point of a long-distance marriage is that when living apart, two people can just continue pursuing their careers, just as they did before marrying. A journalist and a university lecturer couple say that having children is problematic with long-distance marriages, so eventually, such couples plan on living together (Itoi 1999). But for now, they continue to realise their own goals. This new kind of life style might be the answer for women who want to have professional career.

Creighton's research showed that women have to become masculine to be able to be seen as competent in the originally male working sphere. To become professional was to become socially male. Such a socially male senior was not seen as a role model for her female juniors. Hidaka met with similar perceptions of working females by the male participants in her research, conducted in 2004. In this case male participants speak about their female superiors either in masculine terms, or find it inappropriate for a women if she rises above her husband. Professional women are judged in the

terms of femininity or masculinity. A professional woman is desexualised and if she's capable in what she is doing, she is evaluated in a manly way by comparing her to other male employees. If she is married and can balance her work life and her domestic responsibilities she is unfeminine, different, and not ordinary (Hidaka 2010). That contradicts with the image of a married woman, who needs to be feminine and thus bound down by her domestic responsibilities. Women can be either manly and acquire higher positions in a company, or can be feminine and do not fit into a working environment. Feminine women are too emotional and not suitable for working with other men (Hidaka 2010). To be professional means to be a man, even if that person is a woman.

Conclusion

Women, to be able to work with men on equal grounds, are often expected not to be different from men. Takako Doi who became the first woman to head a political party in Japan is described as a person who drinks alcohol or plays pachinko, not immediately very feminine personality traits (Martineau 1986). Yet, for others, being too 'male' can be perceived as rude, and to avoid the conflict they play modest women in front of male business clients (Goodman 1986). Exceeding in one's job might be too unordinary and give off too many 'male' traits, and so to escape such opinions some women decide on new solutions such as a long-distance marriage. These long-distance married women suddenly become feminine on paper, but can keep their manly position at their work, as their daily life is unaffected. While showing some feminine traits might be needed to be able to work among men and be accepted, to be able to work efficiently is to become a man, and to "keep down the female hormones to keep emotions at bay". That is the way a female protagonist of Anno Moyoko's manga called "Hataraki man" gets her job done. While being in a man mode, she can work much faster and more efficient than normally (Anno 2004–2010). Anno Moyoko was asked in an interview whether to become a man-like is a typical thing for professional women in Japan. Her answer was that this would happen anywhere, not only in Japan. Emotionally involvement with people would bring productivity down, and so this female side of her is shut down (Reid and MacDonald 2014). From this point of view by being a woman and using feminine traits, a woman cannot work in the same way as men do. But what does it mean to work as men, or as a woman? The female protagonist changes only sometimes into her 'male' mode, so she uses her female part too. Certainly, a woman cannot be seen as equal, if she cannot work as efficient. But if all women had to become men to be able to work equally, no law aiming for equality could make a society gender equal. Even so, young women are positive towards employment possibilities. 20-years old university students finds that women are freer than men, because they can do what they want, while men have to do what they are expected to do. Yet, many young women, once they become mothers, are torn between what they think they

should do, and they want to do (Itoi 2000)²²⁾. They would like to have both, career and family, just as the biggest group of women Hakim refers to. Working in a 'male' way seems to be only possible for single, or long-distance married women, close to Hakim's career women category. Laws such as the Basic Act for Gender Equal Society, targeting the equality in society can help solve such problems. They aim for everyone to have the possibility to live to their potential, as they would like to. The EEOL, even though it has its shortcomings, did trigger some immediate changes. New jobs within corporations opened for women, and even though it might take time for men to get used to working with women, there are positive voices saying that both men and women will accept the new reality. That new reality might turn out completely different than expected, as women test out the new lifestyles that allow them to work as they wish to. Whether Hakim's adaptive women group, the one aiming for having both career and family, is on its way to develop, or a completely different group of women will appear is difficult to say. Both men and women should be able to live their lives to their potential, both at work and at home, and the laws can help to achieve this goal.

Endnotes

- 1) The management representatives of the advisory council to the Labour Ministry said that the Government never should have signed the United Nations convention four years earlier without seeking public approval beforehand. Such foreign values cannot be applied to Japanese society. Isao Ono, a director of the Tokyo Chamber of Commerce and Industry, compared the suggestion for equality to that of something imposed by foreign occupation or revolution times, when suddenly the customs that until now were commonly accepted (here inequality of women in employment), would be seen as criminal acts (Lohr 1984).
- 2) The Equal Employment Opportunity Law relaxed the overprotective restrictions of night work and over hours then present in the Labour Standards Law. For women in managerial positions and in some specialist/technical positions the restrictions concerning over hours and late night work stated in the Labour Standards Law were removed. For women in tertiary sectors overtime hours were restricted not daily but two or four weekly. Every four weeks one day work on holidays was also allowed (Kawashima 1995). Protective clauses that were removed by the Equal Employment Opportunity Law were not only for night shifts and overworking, but also accentuating female sexuality and the female reproductive function, such as pregnancy, breastfeeding and menopause. These clauses referring to women's reproductive functions defined limits to women's capacity to participate in the work force, and thus not allowing them to compete with men on equal ground. Many supported the removal of these protections, as women's feminist groups started to see connection between such protective employment practices and, for example, the continued opposition of legalization of the contraceptive pill by both conservative politicians and doctors (Buckley 1994).
- 3) According to Hanami, the Women's Bureau of the Ministry of Labour wanted to keep these to reserve certain kinds of jobs for women only (Hanami 2000). Companies opted for the abolition of protection, but working women felt that some protective measures should be kept, as the sociocultural norm was still that

women bear the responsibility for household chores and child raising. The very long working hours were in clear conflict with these responsibilities. In the end, menstrual leave with modifications and extended maternity leave were introduced (Kawashima 1999), but the law relaxed the protections ensured for women in the 1947 Labour Standards Law that was regulating women's overtime, night and hazardous work. Even though removing some of the protections meant women's working conditions became similar to men's, in practice it meant that the government's definition of equality was that women have to work as hard as men and give up their legal protections (Miyake 1991).

- 4) See for example (Finley 1989) or (MacKinnon 1991) for the discussion on how law is formed from the male, and white stand point of view.
- 5) Four years after the EEOL became effective, in 1990, a Ministry of Labour survey found that 3.7 percent of women were on the managerial track as opposed to 99 percent of men (Starich 2007).
- 6) According to the nationwide survey conducted by NHK (2005, Nippon Broadcasting Association), women spend much more time on housework and childcare than men. There is a slight increase in men's participation in housework between 1995 and 2005, but still, in 2005, women spend considerably more time (daily average of 4.26 hours) in doing housework compared to men (1.38 hours) (Ishii-Kuntz 2008).
- 7) The childcare leave act from 1992 only applied to full-time regular employees, and it did not guarantee payment of salary while on leave. Workers with preschool children could also get reduced hours instead of a leave (Kiyoko 1995).
- 8) Even in 1999, only less than 1 percent of fathers were taking childcare leave in Japan (Introduction to the revised Child Care and Family Care Leave Law).
- 9) Even though there would still be quite some burden left on society, a financial aid could trigger market options and make help available there, such as private childcare and elderly services. That would mean that the state takes partially some responsibility for this kind of work, and partially wants the community and market to take over, as these two are not well developed in Japan (Ochiai 2010).
- 10) In 2004, 40 percent of women decided to stop working in the event of the birth of the first child, but only 26 percent wished to do so. Once coming back to employment, most are employed as non-regular employees, even though in many cases they would have preferred regular employment (White Paper on the Labour Economy 2005).
- 11) Even though the report called for shorter working hours, the working hours of males in the age group between 30 and 39 years old are steadily increasing through the years 1994, 1999 and 2004, resulting in more than 20 percent of males who work 60 hours per week or more (White Paper on the Labour Economy 2005). This makes involvement of men in family matters difficult, leaving the responsibility to women.
- 12) During the 90's, the ratio of national and local government budget balances to the Gross Domestic Product was negative and it kept on growing. One way to change it, was to go away from the male breadwinner model to make it easier for women to work in paid jobs (Osawa and Mokate 2004).
- 13) Article 5 and 6 of the revised EEOL.
- 14) Article 8 of the revised EEOL.
- 15) Sexual harassment (exact wording was "seiteki iyagarase" or "sexual unpleasantness") was for the first time recognized as a violation of worker's reputation in April 16, 1992, by the Fukuoka District Court. Even if the employer was not directly involved in the conflict, it was held responsible for creating a hostile work environment. Prevention of sexual harassment is the company's responsibility (Hayashi 1995).

- 16) Part-time employees grew consistently, and reached 39 percent among female employees in 1998 (Hanami 2000). Dispatched workers also consisted of mostly women, as the number was 69.7 percent in 1999 (Fifth Periodic Report on Implementation of Convention on the Elimination of All Forms of Discrimination against Women (Japan) 2002).
- 17) The Sam campaign can be seen as one of such slogans. The Ministry of Health and Welfare launched a campaign during the spring of 1999 with a dancer Sam, the husband of rock star Amuro Namie, holding their baby accompanied by a slogan saying that a man who does not rear his child cannot be called a father (Hidaka 2010) (Itoi 1999). However, Hidaka's research male participants seem to resist such idea. The fathers see male and female ways of childcare differently. Mothers are to engage emotionally and physically in childcare. Fathers are to work outside and be an example for children. Men's childcare is an 'indirect' childcare, women's childcare is to be 'direct' (Hidaka 2010). The role model that women and men are supposed to be is totally different in the eyes of these men. A working father is a model, but they don't seem to consider that a working mother could also be model for their own children.
- 18) Research was done among students from St.Andrew's University, who attended the lecture "Image of Japanese Women". 129 students took part in the research, 104 males and 29 females.
- 19) Since 2012, Saito Kiyomi is an outside Director, Member of Audit Committee and Member of Compensation Committee in Toshiba Corporation.
- 20) In the case of Sanwa Bank, women were being kept on separate employment tracks from men, and even if they were able to join the managerial track, their position and wages were kept low, without chances to advance. Sumitomo Bank, even in 1990, still asked women to quit after the marriage and come back as part-timer. Married women on the managerial or career track were discriminated in promotion, compared to men. In the case of Sumitomo Mutual Life Insurance Company women were discriminated in the selection to the managerial track and married women on the clerical or non-career track were discriminated in the area of promotion.
- 21) However, even giving equal opportunity seemed to be problematical. Separate explanatory meetings before employment or separate quotas for the employment for men and women were in order with the law. Only if women were not given any opportunity at all it was in conflict with the law ("A Letter from Japanese Women" Circle 1994).
- 22) In a survey in 1999 Early Development Association in Tokyo, more than 94 percent of young mothers and their mothers agreed that children should form the center of their lives. However, more than 60 percent of young mothers wanted also time for themselves, even if it meant doing less for their children (Itoi 2000).

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